

AMENDED IN ASSEMBLY MARCH 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 318

Introduced by Assembly Member Chau

February 13, 2015

An act to amend Sections 2080.1 and 2080.2 of the Civil Code, relating to lost and unclaimed property.

LEGISLATIVE COUNSEL'S DIGEST

AB 318, as amended, Chau. Lost money and goods: restoration to owner.

Existing law requires a person who finds and takes possession of property that is lost to try and return it to the rightful owner. If the owner of the lost property cannot be determined and the item is worth \$100 or more, the finder is required to turn the item over to the police or sheriff, as specified. Existing law provides 90 days for the owner to return and claim the property and to pay any reasonable fee for its bailment.

This bill would provide that if that lost property is found on a vehicle of public conveyance or on public transit property, that it instead turned in to the public transit agency. The bill would provide 30 days for the owner to return and claim the property under specified rules and if the property is not claimed within 30 days, the public transit agency would be authorized to dispose of the property to a charitable organization.

Because this bill would impose new requirements on local transportation agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2080.1 of the Civil Code is amended to
2 read:

3 2080.1. (a) If the owner is unknown or has not claimed the
4 property, the person saving or finding the property shall, if the
5 property is of the value of one hundred dollars (\$100) or more,
6 within a reasonable time turn the property over to the police
7 department of the city or city and county, if found therein, or to
8 the sheriff's department of the county if found outside of city
9 limits, or to the public transit agency if found on a vehicle of public
10 conveyance or on the public transit *agency* property, and shall
11 make an affidavit, stating when and where he or she found or saved
12 the property, particularly describing it. If the property was saved,
13 the affidavit shall state:

14 (1) From what and how it was saved.

15 (2) Whether the owner of the property is known to the affiant.

16 (3) That the affiant has not secreted, withheld, or disposed of
17 any part of the property.

18 (b) ~~The police department or the sheriff's department, or the~~
19 ~~public transit agency department~~ shall notify the owner, if his or
20 her identity is reasonably ascertainable, that it possesses the
21 property and where it may be claimed. The police department or
22 sheriff's department ~~or public transit agency~~ may require payment
23 by the owner of a reasonable charge to defray costs of storage and
24 care of the property.

25 (c) *If the personal property is found or saved on a vehicle of*
26 *public conveyance or on property belonging to a public transit*
27 *agency, the public transit agency shall notify the owner, if his or*
28 *her identity is reasonably ascertainable, that it possesses the*
29 *property and where it may be claimed. The public transit agency*
30 *may require payment by the owner of a reasonable charge to defray*
31 *the costs of storage and care of the property.*

1 SEC. 2. Section 2080.2 of the Civil Code is amended to read:

2 2080.2. (a) If the owner appears within 90 days, after receipt
3 of the property by the police department or sheriff's department,
4 proves his *or her* ownership of the property, and pays all reasonable
5 charges, the police department or sheriff's department shall restore
6 the property to ~~him~~ *him or her*.

7 (b) If the owner appears within 30 days after the receipt of lost
8 or unclaimed property that has been turned over to a public transit
9 agency and proves his or her ownership of the property, and pays
10 all reasonable charges, if any, the public transit agency shall restore
11 the property to him or her. If the property remains unclaimed after
12 30 days, the public transit agency is authorized to dispose of the
13 unclaimed property to a charitable organization.

14 SEC. 3. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.